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10/510,449

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EXAMINER

NICKERSON, JEFFREY L

ART UNIT

PAPER NUMBER

4117

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,449

Applicant(s)

BOUVET, BERTRAND

Examiner

Jeffrey Nickerson

Art Unit

4117

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7 October 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Application No. 10/510,449 filed on 5 April 2005. The preliminary amendment, which provides a replacement abstract as well as change to claims 4, 6, 9, 10, 13, 16, 18, and 19, is hereby acknowledged. Claims 1-19 have been examined.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 72 and 74^{of Fig. 2}. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description (Examiner suggested amendment location: Applicant submitted specification, pg 12, lines 25-35) in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept

Art Unit: 4117

the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: uncommon grammar or incorrect spelling. Today, in the English language, the word "data" is generally used as a singular mass entity noun, synonymous with "information." Very rarely is the word "data" still used to refer to "pieces of information." The examiner recommends changing all instances in the application where data is used as a plural noun (First instance: page 1, line 30; Last instance: page 16, line 11; Eight instances in total) to the more generally accepted singular mass entity noun. The word "appliquettes" (Applicant submitted specification: Page 22, line 3) is not a word in the English language nor accepted in the art, and the examiner requests this be changed to "applets."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 4117

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10, 13-16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Levergood et al (US 5,708,780).

Regarding claim 1, Levergood teaches a data exchange system (Levergood: Figure 1) over a data transfer network (Levergood: Figure 1, item 10) between a receiver station (Levergood: Figure 3, item 50) and a data server with conditional access (Levergood: Figure 3, item 52), in which the data exchanges over the network are managed and authorized by a control server (Levergood: Figure 3, item 54), characterized in that said control server is associated with:

automatic means forming (authentication server) catalog (database) of usable access instruments (user profile) accessible by a user of said receiver station for the selection, by this user, of one of these access instruments; (Levergood: col 6, lines 58-65 specify examining the account database, which is full of user profiles that are potentially accessible by a user)

automatic means for determining corresponding parameters (authentication server creating SIDs) for control of the data exchanges (pages) over said network; (Levergood: col 6, lines 65-66 specify the generation of a SID which controls data exchange; col 3, lines 33-37 specify the parameters in a SID)

Art Unit: 4117

automatic means of data exchange control (authentication server using SIDs) over this network according to the parameters thus determined. (Levergood: col 7, lines 15-20 specify initiating, and thus controlling, the transfer based off the SID)

Regarding claim 2, Levergood teaches the system characterized in that said means forming a catalog of usable access instruments comprises:

storage means (database) comprising a predetermined list of access instruments (user profiles) authorized for access to said conditional access data (controlled pages); (Levergood: Figure 3, item 58; Levergood: col 7, lines 62-67 specifies that the account database is authenticated against)

data acquisition means relating to the constitution and operation of the system and of the elements composing it; (Levergood: col 6, lines 58-65 specifies the other information stored that relates to the system and clients, such as IP addresses, which implies it is acquired at some point)

means of establishment of the catalog of usable access instruments (user profiles) from at least said list of authorized instruments (valid user profiles) and of said acquired data (IP address) relating to the system. (Levergood: col 6, lines 58-65 specify that user profiles and other information such as IP addresses are stored in the account database)

Regarding claim 3, Levergood teaches the system characterized in that said acquisition means of analysis of the receiver station, suitable for delivering:

Art Unit: 4117

data relating to the nature of the receiver station or data relating to the exchange capabilities of the receiver station. (Levergood: col 6, lines 58-65 specify that user IP addresses are stored, implying they are delivered at some point)

Regarding claim 4, Levergood teaches the system characterized in that said acquisition means comprise means of connection between the receiver station and the network, suitable for delivering:

data relating to the means of connection between the receiver station and the network or data relating to the time of the exchanges. (Levergood: col 6, lines 58-65 specify that the user IP addresses are stored, which inherently relate to the connection of the client; Levergood: col 3, lines 33-37 specify the SID contains time expiration data and lines 44-47 specify that SID information is logged, implying that time information is delivered and then stored)

Regarding claim 5, Levergood teaches the system characterized in that said control server is associated with means of remote interrogation of said connection means to obtain said data. (Levergood: col 3, lines 29-32 specify that the client is interrogated and then an SID is issued, which contains IP address information)

Regarding claim 6, Levergood teaches the system characterized in that said means of determining the exchange control parameters (authentication server) are connected to means of storing data concerning conditions of access (content server) to said data with

Art Unit: 4117

conditional access and to means of storing (account database) exchange authorization data (user profile information) associated with the selected access instrument (user profile) to establish said exchange control parameters. (Levergood: Figure 3; item 54 is connected to both item 52 and item 58)

Regarding claim 7, Levergood teaches the system characterized in that said means of determination of the exchange control parameters (authentication server) are also connected to means of supervision (URLs, redirections, and requests) of operation of the receiver station (client), (Levergood: Figure 3, item 54 connected to item 50) in order to receive, from said means, data relating to the state of activity or to the operation of said receiver station. (Levergood: col 6, lines 58-60 specify that the client sends a GET request, thereby indicating the client is notifying the authentication server that he is in a GET state and trying to obtain validation)

Regarding claim 8, Levergood teaches the system characterized in that said means of supervision are formed by software means (URLs) initially stored in the system and transmitted to said receiver station on which they reside throughout the data exchanges. (Levergood: col 7, line 51 – col 8, line 13 specifies the authentication server sending a tagged URL redirection to the client, where the client then utilizes the URL to request the content from the content server using his browser. The URL would be maintained in the client browser throughout the transfer of the page.)

Art Unit: 4117

Regarding claim 9, Levergood teaches the system characterized in that said exchange authorization data associated with the selected access instrument correspond to one of the elements in the group consisting of:

temporal credit data, monetary credit data, fixed charge credit data, data volume credit data, and of billing data. (Levergood: col 8, line 59 – col 9, line 6 specify that the client can prepay or enter payment information to subscribe for access and that an authorization indicator is embedded in the SID, prepayment implies that the authorization indicator is also kept in the account database and associated to user profiles)

Regarding claim 10, Levergood teaches the system characterized in that it comprises a user management server (authentication server) comprising at least one database (account database) containing said exchange authorization data (user profile verification information, such as passwords or authorization indicators) associated with the access instruments. (Levergood: col 6, lines 60-65 specify that the account database contains user profiles that contain passwords)

Regarding claim 13, Levergood teaches the system characterized in that it comprises means of determining a user identifier (password or IP address) associated with said access instruments in order to allow the identification by said user management server of a corresponding user account. (Levergood: col 6, lines 58-65 specify that the IP address or a password could be used to determine the user profile)

Regarding claim 14, Levergood teaches the system characterized in that said means of determining a user identifier are automatic means of identification of the receiver station. (Levergood: col 6, lines 36-44 specify that for varying levels of authentication can occur, some without prompting the user; col 6, lines 60-65 specify the user profile identification can occur using an IP address, implying it is automatic)

Regarding claim 15, Levergood teaches the system characterized in that said means of determining a user identifier are means of manually inputting an identifier. (Levergood: col 6, lines 44-50 specify a higher-level authentication that prompts for a username and password; col 6, lines 60-65 specify the user profile identification can occur using password, implying it is manual)

Regarding claim 16, Levergood teaches the system characterized in that it comprises means of debiting said exchange authorization data, associated with said used access instrument, in order to debit the data according to the data exchanges. (Levergood: col 8, lines 67 – col 9, lines 6 specify the system can bill and charge users per document viewing and indicate it in the user information such as the SID)

Regarding claim 19, Levergood teaches the system characterized in that said data exchange control means (authentication server) are interrogated periodically by said receiver station (client) in order to transmit to it or not an authorization for access (SID)

Art Unit: 4117

to the data of said data server. (Levergood: col 6, lines 36-57 specify that the client is redirected from the content server to the authentication server every time it tries to access restricted content)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levergood et al (US 5,708,780), and further in view of Riley et al (US 2002/0010800 A1).

Regarding claim 11, Levergood teaches the system characterized in that said user management server is a server that provides user management capabilities.

(Levergood: col 6, lines 60-65 specify that the account database contains user profiles)

Levergood does not teach wherein the server provides access to said data transfer network connecting said receiver station to said network.

Riley, in a similar field of endeavor, teaches a server (network access system) that provides access to said data transfer network connecting said receiver station (host

Art Unit: 4117

computer) to said network. (Riley: Figure 2 depicts the NAC is between the PC and the internet; Figure 1 in combination with Figure 3 depict the NAC provides access to both an un-trusted network and a private trusted network; See also [0052-0053])

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Riley for managing the data connection between the receiver station and the network. The teachings of Riley, when implemented in the Levergood system, would allow for more secure access regulation between the receiver station and a potentially un-trusted network, or vice versa, between a potentially un-trusted receiver station and a private, trusted network. One of ordinary skill in the art would be motivated to utilize the teachings of Riley in the Levergood system in order to prevent "information leaking out" or "information leaking in" (Riley: [0006]).

Regarding claim 12, the Levergood/Riley system teaches a system characterized in that said user management server (Levergood: authentication server) is a server controlling the physical means of connection of the receiver station (Riley: Host computer CPU) to the data transfer network (Riley: private network). (Riley: Figure 4 depicts there is physical separation between the un-trusted network and the host CPU)

Regarding claim 18, the Levergood/Riley system teaches a system characterized in that said data exchange control means (Levergood's authentication server as Riley's NAC) are suitable for being interposed between said data server (Levergood's content server

Art Unit: 4117

on Riley's private network) and said receiver station (Riley's host PC) in order directly to control all the data exchanges between them. (Riley: [0030] specifies that the NAC restricts access from the host PC to certain devices/resources on the private network)

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levergood et al (US 5,708,780), and further in view of Adam et al (US 2002/0181710 A1).

Regarding claim 17, Levergood teaches the system characterized in that said debiting means are accessible by said control server (authentication server) and the user management server (authentication server). (Levergood: col 8, line 67 – col 9, line 6)

Levergood does not teach wherein the debiting means comprise a debiting server connected to a telephone type network and wherein said debiting server is accessible through a programmable call controller.

Adam, in a similar field of endeavor, teaches wherein said debiting means comprise a debiting server (Adam: Figure 4, item 3 depict an administration server; Adam: abstract specifies it is for debiting) connected to another network of the telephone type (Adam: Figure 4, item 4) and accessible through a programmable call controller (Adam: abstract specifies a communication unit used by the point-of-sale (POS) merchant in order to initiate communication about the user to the administration server)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Adam for using a mobile phone administration server to debit user bank accounts. The teachings of Adam, when implemented in the Levergood system, would allow the authentication server to act as a POS merchant server and automatically debit accounts via a GSM network and administration server. One of ordinary skill in the art would be motivated to utilize the teachings of Adam in the Levergood system in order to "centralize the administration of merchant and customer accounts" (Adam: [0010]).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Bigham et al (US 5,740,075) discloses an access subnetwork controller for pay-per-view TV networks.
- b. Brown et al (US 6,658,415 B1) discloses a system for managing user access to content with a remote database.
- c. Charas (US 2002/0056002 A1) discloses a method and apparatus for authenticating both users and payment for accessing a roaming telecommunications network.
- d. Drosset et al (US 6,662,231 B1) discloses a system and method for restricting user access to audio content over a network.

- e. Dutta et al (US 2003/0097444 A1) discloses a method and apparatus for authorizing online transactions via a telecommunications network.
- f. Gullotta et al (US 2002/0156904 A1) discloses a system and method for users accessing network resources based on multiple factors such as organizational permissions, authorizations, third party account or billing information, etc.
- g. Henaff et al (US 2004/0049587 A1) discloses a method for controlling access to Internet websites.
- h. Norris (US 6,718,328 B1) discloses a system and method for controlling access to network resources using tokens.
- i. Schmeidler et al (US 6,374,402 B1) discloses a method and apparatus for installing an application on a client computer in order to access content via a content and access server.
- j. White et al (US 6,199,144 B1) discloses a method for using a smart card initiate an authorized user session.
- k. Willens (US 5,889,958) discloses a system and process for controlling network access.
- l. Winkler (US 2003/0070100 A1) discloses a system and apparatus that authenticates users based off of a multi-factor access instrument that includes a biometric scanner, pin pad, a card reader, and GPS locator.
- m. Woodhill (US 2002/0004831 A1) discloses a system and method for using a telecommunications network to authorize online transactions.

Art Unit: 4117

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Nickerson whose telephone number is 571-270-3631. The examiner can normally be reached on M-Th, 8:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on 571-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey Nickerson
TC 2100
Patent Examiner
October 3, 2007

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